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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 10/056,776 | 01/24/2002 | Philippe Vandermersch | 02P00754US | 4586 |

7590 04/12/2007
Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

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| EXAMINER |
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NGUYEN, STEVEN H D

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| ART UNIT | PAPER NUMBER |
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2616

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 04/12/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary**Application No.**

10/056,776

Applicant(s)

VANDERMERSCH, PHILIPPE

Examiner

Steven Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/29/06 has been entered.
2. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laursen (USP 6847618) in view of Simard (USP 6940826).

Regarding claims 1, 9, 17 and 25-26, Laursen discloses a method for providing a conferencing session, comprising receiving inputs from a number of participants in a conferencing session (Fig 13, ref 1310); and combining received inputs into a first sub-packet and a second sub-packet (Fig 13A, Ref 1330 and 1350), wherein the first sub-packet has a first payload and the second sub-packet has a second payload, the first payload and the second payload including inputs combined from at least a portion of the received inputs from the number of participants (Fig 13A, Ref 1330), wherein the first payload includes at least one received input that is not included in the second sub-packet (Fig 13A, ref 1350). However, Lauren fails to disclose a method and system for generating an output packet that includes the first and second packet. In the same field of endeavor, Simard discloses a conference unit for generating an output multicasting transmission that includes mixed voice signal and unmixed voice signals for transmitting the conferees (Col. 11, lines 32-64).

Since, Simard suggests that a conference bridge which generates an output signal(s) that includes mixed voice signal and unmixed voice signals in multicast or unicast form and Laursen suggests the use of multicast for multicasting a packet to a plurality of receiving points.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for establishing a single multicast transmission which includes the mixed and unmixed voice signals to the conferees wherein the single multicast transmission must includes the indicators to identify which voice signals associates with a conferee as disclosed by Simard into the teaching of Laursen. The motivation would have been to reduce in transcoding, latency, and/or required signal processing power within the central conference bridge is needed and reduce the overhead header of a stream.

Regarding claims 2, 10 and 18, Laursen discloses determining a number of prominent inputs from the received inputs, the determined prominent inputs utilized to provide the first payload for the first sub-packet and the second payload for the second sub-packet (Fig 13A, Ref 1310, 1320, 1330 and 1350).

Regarding claims 3, 11 and 19, Laursen discloses inputs are determined as prominent based upon a characteristic including at least one of loudness, signal strength, clarity, and prominence history (Fig 13A, Ref 1310).

Regarding claims 4 and 20, Laursen discloses the second sub-packet includes at least one received input that is not included in the first sub-packet, wherein the at least one received input that is not included in the first sub-packet includes a next most prominent received input (Fig 13A, Ref 1310, the first and second active speakers).

Regarding claims 5, 12 and 21, Simard discloses configuring the sub-packets in the output packet so that upon receipt of the output packet by a participant, the participant examines the packets and outputs a first examined sub-packet which does not include an indication that the

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sub-packet includes content received from the participant (Col. 11, lines 32-64, conference only extract voice signal that does not contain its own voice signal).

Regarding claims 6, 13 and 22, Laursen and Simard fails to disclose the output packet is configured as a UDP packet which encapsulates the first sub-packet and the second sub-packet, the first sub-packet and the second sub-packet configured as RTP packets. However, the examiner takes an official notice that a method and system for multiplexing a plurality of RTP packets into UDP packet is well known and expected in the art at the time of invention was made to implement this teaching into the system and method of Laursen and Simard. The motivation would have been to reduce the header overhead of voice streams by multiplexing the RTP packets into UDP packet.

Regarding claims 7, 14 and 23, Laursen discloses the first sub-packet and the second sub-packet include headers indicating originating participants of the first payload and the second payload (Fig 15).

Regarding claim 15, Laursen and Simard fails to disclose the headers are contributing sources (CSRC) headers. However, the examiner takes an official notice that a method and system for using CSRC to identify source is well known an expected in the art which uses Real time transport protocol. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to apply CSRC field into the RTP packets of Laursen and Simard because this field is one of field that should be use in voice over internet conference and it is a standard field. The motivation would have been to indicate the number of contribute sources in the mixed voice signal or mixed stream and reduce overhead of a stream.

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Regarding claims 8, 16 and 24, Simard implicitly discloses transmitting the output packet to at least a portion of the number of participants in the conferencing session utilizing a multicast IP address (Col. 11, lines 32-64, single multicast, multicast address).

Response to Arguments

5. Applicant's arguments filed 6/30/06 have been fully considered but they are not persuasive.

In response to applicant's argument of pages 8-11 that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art or the nature of the problem to be solved. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992) and *In re Rouffet*, 149 F.3d 1350, 47, U.S.P.Q.2d 1453 (Fed Cir. 1998). In this case, Lauren discloses a packet conference system for receiving input from at least one of conferees and generating the packets for transmitting to the conferees as stated in the claimed invention and Simard discloses a packet conference unit for receiving the input from the conferees and generating a multicast transmission "packet" that contains mixed voice signal and unmixed voice signals for transmitting the conferees. Since, Simard suggests that a conference bridge which generates an output signal(s) that includes mixed voice signal and unmixed voice signals in multicast or unicast form and Laursen suggests the use of multicast for multicasting a packet to a plurality of receiving points. Therefore, it would have been obvious to

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one of ordinary skill in the art to implement a method and system for generating a multicast packet that contains the information from the conferees such as mixed voice signal and unmixed voice signals for transmitting to the conferences into the teaching of Lauren in order to reduce in transcoding, latency, and/or required signal processing power within the central conference bridge is needed and improve throughput of the system because a method and system for generating a multicast packet with a plurality of sub-packets that contain a different information in the payload is well known and expected in the art.

6. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

7. In response page 9, the applicant states that Simard does not disclose a method and system for generating a multicast signal that includes a packetized of mixed voice and a packetized of unmixed voice. In reply, Simard discloses a packet conference unit for receiving voice packet from the conferees and generating a multicast packet "multicast signal" that includes unmixed voice and mixed voice instead of transmitting the unicast packet that contains only unmixed voice or mixed voice. So, the multicast signal "single packet" is clearly a multicast packet that contains the unicast packets (Col. 11, lines 32-64 and col. 15, lines 23-56, the multicast signal includes two sub-packets each contains payload that stores unmixed voice or

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mixed voice) and Lauren discloses a method and system for multicasting the packets such mixed or partial mixed to the conferees and it requires a lot of processing power at the conference bridge, high latency etc. because it must generating a lot of packets for transmitting to the conferees. Since, in order to reduce the processing power and latency, on of ordinary skill in the art must look into a method and system for reducing latency, power by multicasting the packet with a plurality of subpackets as disclosed by Simard. So, Simard is clearly does not teach away from the Lauren.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Welling Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to be 'Steven Nguyen', with a long horizontal line extending to the right.

Steven Nguyen
Primary Examiner
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